

1 present?

2 A I think we were at a number of meetings. I
3 guess Emily may have asked.

4 Q Do you recall whether --

5 A I do not recall specifically that she asked
6 me that, but I know we were at a number of meetings,
7 you know, together like the Fuel Fund dinner. We were
8 at the same table after I stepped down from the head
9 table --

10 Q Right.

11 A -- so there would be a number of things like
12 that that we would attend.

13 Q But did she have any discussions with you --

14 A Not to my recall.

15 Q -- to try to job your recollection as to
16 whether you might have attended meetings with her?

17 A Well, she would -- and I can only -- and this
18 is a presumption. I imagine Emily wouldn't have to
19 because Emily is efficient. I'm sure she would have
20 down who was at the meetings and, you know, who she had
21 asked to the meetings. She's not as messy and as loose
22 as I am.

23 Q Let me ask you again about that AFRAM
24 luncheon on August 1. What was the issue that arose
25 out of that luncheon?

1 MR. HOWARD: It was asked and answered,
2 counsel.

3 MS. SCHMELTZER: No. I was asking about
4 the --

5 WITNESS: I'm not sure which because we had
6 sponsored it sometime whether or not that was the
7 educational issue or not. I think it may have been,
8 but I'm not sure because it's a thematic luncheon and
9 each year it is a different theme and they had one year
10 higher education of black colleges, one year the black
11 educators at secondary level, one year physicians and I
12 do not recall specifically which was that year.

13 MS. SCHMELTZER: And do you recall whether
14 there was any programming that was responsive to issues
15 ascertained by the luncheon --

16 MS. ABRUTYN: Objection. She just said she
17 doesn't know what the issues were.

18 BY MS. SCHMELTZER:

19 Q Well, do you recall whether there was any
20 programming that was in response to whatever was raised
21 at the luncheon?

22 A Usually since the station sponsored that
23 luncheon there was programming and there would be
24 profiles on the news of different people who would be
25 saluted because the members of the AFRAM Committee

1 | would salute individuals. They wouldn't just take
2 | education. They would salute individuals in education
3 | and they would be profiled and then, of course, there
4 | were public service announcement and there was news
5 | coverage of the event.

6 | Q Let me also have you look at 4:30 on August
7 | 1. It says Peter Coleman, Center Stage. Do you see
8 | that?

9 | A Um-hum.

10 | Q Do you know what you discussed with Peter
11 | Coleman of Center Stage on that date?

12 | A I think that was -- remember these are my
13 | calendar notes.

14 | Q Right.

15 | A And I think that just meant it was a meeting
16 | with Peter Coleman, Center Stage, and that was a
17 | meeting at the station and it was one of those meetings
18 | you just asked about, at some times was I in a meeting
19 | when Emily was in a meeting and somebody else was in a
20 | meeting. That was one of those things when Peter was
21 | talking about the arts and about Center Stage and kind
22 | of, you know, softening the soil for exploration of
23 | something that the station and Center Stage might do
24 | together, so that really -- I was more an attendee at
25 | that meeting rather than the primary.

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1 Q All right. Now, if you'll turn to August 12.
2 That's a lunch with Elizabeth Apple.

3 A Apel.

4 Q Apel, Lung Association, to discuss PSAs and
5 project possibilities. Do you see that?

6 A Um-hum.

7 Q Was that to discuss future PSAs and projects?

8 A Yes. I often met with -- or periodically met
9 with people in the non-profit organizations, whether
10 they be health charities or community based, to -- and
11 they often asked for those meetings, to talk about some
12 of the issues that were facing them and some of the
13 things that we might be able to do, you know, down the
14 road and kind of find the status of where the
15 organization was, and this was one of those kinds of
16 meetings.

17 Q And was that to discuss future projects or
18 future PSAs?

19 A It was a strategy. I mean it was kind of a
20 strategy and also to look at some of the things -- and
21 I can't tell you specifically in this, but I just knew
22 routinely some of the things that they were planning to
23 do and what might be -- how to package this so that it
24 might be of interest to news or even print stories or
25 something so it was really a strategy meeting and to

1 | try to be helpful to them from an inside media
2 | perspective --

3 | Q Now, August 23rd at 9:00 a.m. says Phone
4 | Planning with True Gensberg of Metropolitan Education
5 | Coalition, 9/28, Saturday seminar (I was panelist at
6 | meeting.) If you'll just look at that for a second.
7 | And my question was -- is was there any issues
8 | discussed with Ms. Gensburg at that meeting or was it
9 | the meeting discussed the upcoming seminar?

10 | A The -- a number of educational issues were
11 | discussed. The seminar was a broad-based seminar that
12 | involved people from every one of the counties looking
13 | at some of the critical educational issues, and they
14 | had legislators there. Ben Cardin was one of the
15 | speakers then. They had a woman from Johns Hopkins
16 | which has a Research Policy Center on Education, so it
17 | was a day long meeting in --

18 | Q I'm not asking about the September 28th
19 | meeting.

20 | A Well, this is what we were planning.

21 | Q That's what you were planning?

22 | A That's right.

23 | Q Okay.

24 | A So they're -- you know.

25 | Q Was the meeting to discuss preparation for

1 the seminar?

2 A And was to get some -- I mean some ideas and
3 suggestions from me and also to talk about my
4 participating as a -- on the media panel and so that
5 was -- but that was, you know, kind of gearing up for
6 that. As I say, some of these things are more than
7 just a one time shot, but then I spent all that
8 Saturday at the Coalition.

9 Q Let me refer your attention to September 12th
10 where you have a Minority Business Association
11 breakfast and a Minority Business Association luncheon
12 and the luncheon -- it looks like Channel 2 had tables
13 for the breakfast and the luncheon. Is that correct?

14 A Um-hum.

15 Q Was that another event that was similar to
16 the AFRAM luncheon where the station purchased tables?

17 A Well, the AFRAM luncheon, the station
18 sponsored the luncheon --

19 Q Right.

20 A -- which is different than just purchasing
21 tables.

22 Q Here you purchased tables?

23 A I mean this was a more -- this was a
24 purchasing of, of tables.

25 Q This was not sponsored by the station?

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1 A No, this was not a station sponsored -- to my
2 recall it was not a station sponsored and I was in
3 attendance, but I went to the workshops between the
4 breakfast and, you know, and the luncheon for
5 information gathering and issues, you know, awareness.

6 Q Was there any --

7 MR. HOWARD: Excuse me. Let her
8 finish please. This is third time I've asked you to
9 let her finish her answers.

10 MS. SCHMELTZER: Sorry.

11 WITNESS: I have to answer the question.

12 MR. HOWARD: Yes, ma'am. You're doing fine.
13 I'm objecting to her object -- interrupting what you
14 were saying, that you attended workshops.

15 MS. SCHMELTZER: Are you finished?

16 WITNESS: Yeah, I'm finished. I wish I were
17 finished.

18 MR. HOWARD: Excuse me. She was in the
19 middle of describing workshops that went on and she --
20 and you interrupted her and she might want to say
21 something more.

22 WITNESS: No. They were just -- they were
23 workshops, but I mean in something like that, because I
24 was Public Affairs, I would -- I went to both the
25 breakfast and the luncheon. There were different

1 people from the station, some of the others, but I
2 stayed for workshops because that's a very good -- both
3 getting the pulse of the community and it's also
4 interfacing with some of the local people who were
5 involved in this issue and talking about local ideas
6 and such, so I went to both but it was a -- the station
7 did not sponsor this.

8 BY MS. SCHMELTZER:

9 Q What, if any, issues were identified in
10 response to this contact?

11 A Well, it was a Minority Business Association
12 breakfast and one of the issues there -- and we was --
13 it was basically the jobs issue and it was basically
14 Andy Young was talking about some of the things that
15 had been done and he hoped could be emulated in this
16 town, in Atlanta with mainstream big corporate America,
17 and the stake that corporate America could have in, in
18 training people and the minority spinoff opportunities
19 from that. And then there were other discussions of
20 that at the workshop, employment training programs
21 because of the layoffs and, as you know -- I mean you
22 don't have to go to these meetings to know that
23 employment as they face -- issue that the black
24 community is trying to impress.

25 Q Do you know whether the station aired any

1 programming in response to any issues that were raised?

2 A I don't know if they -- if specifically --
3 here I know the station aired programming in response
4 to the unemployment, the black unemployment, and some
5 of the -- just -- it's just the kind of thing that you
6 would automatically be responding to in this community.

7 Q And go -- let me just point you to the right
8 place. Would you turn your attention to September 28
9 here. It says Attended Metropolitan Education
10 Coalition, day long Saturday seminar.

11 A That's the one we talked about --

12 Q That's the seminar.

13 A -- with Gensburg and we planned it and then
14 it was on there.

15 Q Right. Okay.

16 A And then we did have some, some people on
17 programs who were identified from that. It was a
18 remarkable seminar. It really was terrific.

19 Q Did you ever have any discussions with Emily
20 Barr about what issues were raised by this seminar?

21 A I --

22 MR. HOWARD: I object. Would you explain
23 what time period you're talking about, counsel?

24 MS. SCHMELTZER: After you attended the
25 seminar.

1 WITNESS: I had discussions with Emily and
2 Arnie about things that I -- I did not go to these
3 things in a vacuum and when they offered program
4 opportunities or when it was an awareness and when we
5 sat -- and I would make things for the Editorial Board
6 that were issues that would come out of all of these,
7 so that the information I gained was shared
8 information. It would have meant nothing to anyone if
9 I hadn't take it to where it would make a difference.

10 MS. SCHMELTZER: Do you want to break for
11 lunch since you've been sitting over there and then we
12 can --

13 MR. HOWARD: It's the first time --

14 (Off the record.)

15 BY MS. SCHMELTZER:

16 Q Ms. Covington, we're back on the record and,
17 in case I forgot to do it before, would you just state
18 your full name and residence address for the record,
19 please?

20 A Janet Covington, 4100 N. Charles Street, Unit
21 903, Baltimore, Maryland 21218-1025.

22 Q Thank you.

23 A I remember all of it.

24 Q Let me refer your attention again to what's
25 been marked as Covington Exhibit -- Deposition Exhibit

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1 1 and Covington Deposition Exhibit 2. These are the
2 memos from September '91?

3 A Um-hum.

4 Q Do you have those? And I believe you said
5 that this was an ascertainment report? Is that
6 correct?

7 A It's the quarterly summary reports. It's --
8 MR. HOWARD: Objection. I don't recall her
9 saying that, counsel.

10 MS. SCHMELTZER: Well, she's explaining --

11 MR. HOWARD: Well, let's -- it's -- you're
12 mischaracterizing her testimony in saying that she said
13 it, that she had called them an ascertainment report
14 and it's not true.

15 MS. SCHMELTZER: All right. Would you --

16 MR. HOWARD: And I want that stated before
17 she tries to answer your question.

18 BY MS. SCHMELTZER:

19 Q Ms. Covington, would you explain for the
20 record what you consider those to be?

21 A These are a quarterly summary report. It's
22 what you think of -- from ascertainties or from
23 everything that you've done, what you think the
24 emerging issues for the next month were here or
25 something like that would be and experience, and this

1 is what I identified in my report.

2 Q Okay. And I believe you testified previously
3 that these were for the fourth quarter of 1991?

4 MS. ABRUTYN: Objection. She did not say
5 that about three or four times.

6 MS. SCHMELTZER: I believe she did, counsel,
7 but she can correct the testimony.

8 BY MS. SCHMELTZER:

9 Q Did you say these were for the fourth quarter
10 of 1991, Ms. Covington?

11 A I really don't recall. I'm trying to answer
12 your questions, but I'm not, you know, keeping track.
13 These were -- obviously if it is for September it's
14 going to be for the rest of the year and maybe into the
15 next because these are the overriding issues that
16 stayed on or were moved to the front burner during the
17 last three months. They were issues and obviously we
18 look at the issues there, continuing issues.

19 Q And by last three months you mean October,
20 November, December?

21 A No. The last three months would precede.

22 Q These were -- well, that's, that's part of --

23 A These were moved to the front burner during
24 the last three months.

25 Q During the last three months.

1 A So that means previous and then we're now
2 looking ahead.

3 Q Right. My question is was this prepared
4 relating back or relating forward?

5 A As it states here, the overriding issues that
6 have either stayed on or were moved to the front burner
7 during the last three months are, and when you look at
8 the issues they would project to -- this specifically
9 is what were on or moved to the front burner in the
10 preceding months.

11 Q Okay. And was this prepared to help you with
12 guidance for the future? Was that the purpose of this?

13 A It was sent to Emily and other people also.
14 It was to help prepare the station for guidance and for
15 awareness and an update for the future. It was a recap
16 and a projection.

17 Q So the purpose of a Quarterly Summary report,
18 did I state that correctly, Quarterly Summary?

19 A Quarterly Summary.

20 Q The purpose of the Quarterly Summary was
21 to --

22 A Monitoring of issues in the community.

23 Q As of what point in time?

24 A During the last three months. They either
25 stayed on or were moved to the front burner. Do you

1 have a copy of this?

2 Q Yeah, I do.

3 A Because it says the overriding issues that
4 either stayed on or were moved to the front burner
5 during the last three months are.

6 Q I'm just trying to determine what the purpose
7 of the Quarterly Summary Report was. Do you know what
8 the purpose of that report was?

9 MS. ABRUTYN: Objection. She just said it
10 was to monitor issues.

11 MS. SCHMELTZER: Well, counsel, please don't
12 testify.

13 WITNESS: She didn't. I said that it was
14 too.

15 BY MS. SCHMELTZER:

16 Q Okay.

17 A And I think I've answered you three or four
18 times. I don't know what answer -- I can't change my
19 answer. If it doesn't suit you, I'm sorry.

20 Q I -- no, I'm not quarreling with you but --

21 A You could have fooled me.

22 Q -- I believe you testified previously that
23 you had done a previous list. Is that correct?

24 A This is used -- if you look at the issues,
25 these were -- if things are moved to the front burner

1 during the last three months and they're on the front
2 burner, they're the -- they are the current issues.
3 They are the issues that are going to stay with you.
4 We are not going to resolve the elementary or the
5 higher education or the budget at the State or local
6 level and that's an ongoing kind of thing. There are
7 other issues but these were the ones that had emerged
8 that you knew were out there and were going to be
9 around for awhile.

10 Q So if I understand you correctly, and I'm not
11 trying to confuse you, but were these issues
12 also for the preceding three months which would be
13 June, July and August?

14 A They were issues, yes. They were issues that
15 were either emerging or had been there and were still
16 around and obviously issues that were going to be
17 around.

18 Q And had you done a Quarterly Summary Report
19 prior to September 1991?

20 A Yes. This is a report that we did for Emily,
21 that I did for Emily. Other people did. I don't know
22 what was in their report, but I was not the only one
23 because I wasn't the only one interfacing with the
24 community.

25 Q When would you have done a Quarterly Summary

1 Report prior to September '91, what month?

2 A I guess I would have done it in April, May,
3 June, sometime around there.

4 Q Do you have a copy of that report?

5 A I don't have a copy of this one. I don't
6 have those things. These were not things that when I
7 left the station that would be of any use to me
8 anymore. What I took from the station was what I
9 thought belonged to me and had some memorabilia aspect
10 to it mostly, other than for reference, reference
11 material.

12 Q Do you know if the station has a copy of any
13 Quarterly Summary Reports?

14 A No, I do not but it went to Emily Barr so you
15 could ask her.

16 Q Okay. And if I told you that the station
17 didn't have any such reports prior to September of
18 '91 --

19 MS. ABRUTYN: Objection. The station didn't
20 have to give you anything prior to May 30, 1991, so why
21 don't you put a time period to what you're asking her
22 about because she just testified she could have done it
23 in April or May which wouldn't have been when you're
24 asking.

25 BY MS. SCHMELTZER:

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1 Q And if I told you that the station didn't
2 have any reports from the period May 30 until this
3 report, would that refresh your recollection as to when
4 you might have prepared a prior report?

5 A I only know that I have this report and that
6 I prepared these reports. I don't know what the
7 station has or doesn't have in there. I don't have
8 that data. You obviously have more than I do.

9 Q And with respect to the Quarterly Summary
10 Report, was that something that was initiated by
11 Scripps Howard or was that something --

12 A No. This is something that was -- that
13 predated. I gave Emily, you know, reports.

14 Q So this report had nothing to do with any
15 procedures that Scripps Howard initiated? Is that your
16 testimony?

17 A Yes.

18 Q And do you recall whether you gave Emily
19 what's been marked for identification as Covington
20 Deposition Exhibit 1 before you gave her the one that's
21 been marked for identification --

22 MS. ABRUTYN: Objection. We went over this
23 four times this morning already.

24 MS. SCHMELTZER: No. I didn't ask that
25 specific question.

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1 MR. HOWARD: You didn't ask whether she
2 knew --

3 WITNESS: I told you I don't know. I mean I
4 really don't.

5 MS. SCHMELTZER: Did Emily ever ask you to
6 expand on what you had set forth in Covington
7 Deposition Exhibit 1?

8 MS. ABRUTYN: Objection. Same objection.

9 MR. HOWARD: It's been asked and answered
10 this morning and it's -- well --

11 MS. SCHMELTZER: You can ask the question
12 more than once.

13 MR. HOWARD: The judge asked that this
14 deposition be handled expeditiously.

15 MS. SCHMELTZER: It is being handled
16 expeditiously.

17 MR. HOWARD: It is not being handled
18 expeditiously.

19 WITNESS: I don't -- I really don't like to
20 have to answer two or three times. I really have to be
21 honest with you. I'd like to get -- I want to answer
22 everything I have to answer you. If I've answered it
23 before, I would prefer you didn't ask it again because
24 I really do want to get out of here.

25 MS. SCHMELTZER: Well, this is a different

1 question I'm asking.

2 WITNESS: Well, it sounded the same to me.

3 MR. DZIEDZIC: You can ask a question that
4 covers the same subject area that's been covered. It's
5 not a matter of asking the same question different
6 ways. That's doesn't solve the problem and I don't
7 think that's what the judge meant when he encouraged
8 counsel to limit their questions to preclude repetitive
9 questioning. You can ask -- cover the same subject
10 area by asking a hundred different questions, but if
11 you've covered the subject area it's been covered.

12 MS. SCHMELTZER: Well, that was the last
13 question on -- upon the subject so are you going to let
14 her answer the question?

15 MR. HOWARD: No.

16 WITNESS: I don't even remember what the
17 question was.

18 MS. SCHMELTZER: I asked --

19 MR. HOWARD: Yes, she may answer the
20 question, one last question.

21 BY MS. SCHMELTZER:

22 Q The question was did Emily ever ask you to
23 expand on what you had listed in Covington Deposition
24 Exhibit 1?

25 A Is this Covington Exhibit Deposition 1?

1 Q That's correct.

2 A I gave her both of these. I think I just
3 gave her both of these. I didn't think there was a
4 request for expansion. Do you want them back now?

5 Q That's fine. Thank you. Now, after you
6 provided Ms. Covington (sic) with your personal notes,
7 the handwritten notes that we discussed previously --

8 A I'm Ms. Covington.

9 Q I mean -- I'm sorry. After you provided
10 Ms. Barr with the handwritten notes, Ms. Covington, did
11 you ever see those handwritten notes again prior to
12 today?

13 A The handwritten notes?

14 Q Correct.

15 A No.

16 Q Today is the first time you've seen them?

17 A I saw a copy of those notes, but I did not
18 see the handwritten notes.

19 Q Where did you see a copy of the notes?

20 A It was provided to me.

21 Q And when was that?

22 A I don't remember.

23 Q Was it recently?

24 A Yes, it was recently.

25 Q Was it within the last month?

1 A Last month probably not. I've been at the
2 hospital for the last month.

3 Q Well, within the last two or three months?

4 A I don't recall.

5 Q How did you obtain the copy of the
6 handwritten notes?

7 A I think I got them from my attorney.

8 Q That would be Baker and Hostetler?

9 A That's my attorney in this case.

10 Q And was that in connection with preparing for
11 your deposition?

12 A Yes.

13 Q So between -- is it your testimony that
14 between the summer of 1992 and a few months ago you did
15 not see any -- see the original copy of the handwritten
16 notes?

17 A No, I did not.

18 Q And you did not see a copy of the handwritten
19 notes?

20 A No, I did not.

21 Q Did you have any conversations with anyone
22 about the subject of the handwritten notes?

23 MR. GREENEBAUM: Other than counsel.

24 BY MS. SCHMELTZER:

25 Q Other than counsel.

1 A No.

2 Q Did Ms. Barr have any conversations with you
3 between 1992 and June of 1994 about the handwritten
4 notes?

5 MS. ABRUTYN: Objection. You've asked that
6 already a couple of times also.

7 MS. SCHMELTZER: No, I don't believe I have.

8 MR. DZIEDZIC: Yes, she has.

9 MS. ABRUTYN: Yeah, you have. You've asked
10 her if she had discussions with Ms. Barr about the
11 notes about three times now.

12 MR. HOWARD: Did you ever have. I remember
13 that.

14 BY MS. SCHMELTZER:

15 Q Did Ms. Barr call you at anytime between 1992
16 and the summer of 1994 to inquire whether you had any
17 copies of the handwritten notes?

18 A I don't recall. I don't think so. I didn't
19 have any copies of them from the time I gave them to
20 her.

21 Q Okay. And you recall giving them to her in
22 the summer of 1992?

23 A They were given to her afterwards. I think
24 my husband dropped them off at the station.

25 Q And were you ever told what Ms. Barr did with

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1 the notes?

2 MS. ABRUTYN: Ever or -- do you have a time
3 frame for that?

4 BY MS. SCHMELTZER:

5 Q Were you -- in the summer of 1992 did
6 Ms. Barr tell you what she was doing with the notes?

7 A Well, she said when she made the initial
8 request it was because you wanted information about
9 ascertainment for the people.

10 Q Did she discuss with you what she was doing
11 as far as physically retaining the notes?

12 A No.

13 Q Did she tell you whether she was sending the
14 notes or a copy of the notes to her -- to counsel?

15 A I didn't discuss that kind of stuff with
16 Emily.

17 Q Now, you did not give -- you testified
18 previously that you did not give Ms. Barr your 1991
19 calendar. Is that correct?

20 A That is correct.

21 Q You retained it in your house? Is that
22 correct?

23 A I took the information from it, yes, and it
24 was in my house.

25 Q The calendar, the calendar itself was

1 physically in your house?

2 A The calendar itself was physically in my
3 condominium. I don't have a house.

4 Q In your condominium. In the summer of '92?

5 MS. ABRUTYN: It he summer of --

6 MS. SCHMELTZER: '92.

7 WITNESS: Um-hum.

8 BY MS. SCHMELTZER: When -- did there come an
9 occasion subsequent to that that you looked for the
10 calendar?

11 MR. HOWARD: Objection. This is --

12 WITNESS: You did ask me that before.

13 BY MS. SCHMELTZER:

14 Q All right. When was the last time that you
15 saw your 1991 calendar?

16 A I guess the last time I saw it was when I
17 took the information from it and made the notes to send
18 to Emily.

19 Q And you have not seen it since August of
20 1992?

21 A No.

22 Q Do you have -- do you still have your 1989
23 and your 1990 calendars?

24 A I have some other calendars and I think one
25 of those is missing and I'm not -- which, but I have

1 three or four of my past calendars, yes, but I took
2 this out of the file and then obviously didn't, you
3 know, put it back and so it got lost.

4 Q Did there come a time in February of 1994
5 when you were contacted by either Ms. Barr or Baker and
6 Hostetler concerning your notes or the 1991 calendar?

7 MR. HOWARD: Objection as to whether she was
8 contacted my counsel with respect to certain subject
9 matter. It would be privileged communication.

10 MS. SCHMELTZER: Or Ms. Barr -- no. I'd have
11 to --

12 MR. HOWARD: Ms. Barr is fine.

13 MS. SCHMELTZER: There's no indication that
14 she has Baker -- that you were her counsel in February
15 of 1994, counsel.

16 MR. HOWARD: There's -- it's on the record
17 that she doesn't --

18 MR. DZIEDZIC: Well, let's not play games
19 here. Did you represent her there or not?

20 MS. ABRUTYN: It was close. I know --

21 MR. HOWARD: It was in that time period. I
22 don't remember specifically.

23 MS. ABRUTYN: But as a former employee of the
24 station and the contacts she held the judge ruled that
25 when we're talking to Arnie Kleiner as a former